

Title 15 - ELECTED OFFICIALS
Division 60 - Attorney General
Chapter 10 - Reporting of Motor Vehicle Stops by Law Enforcement Agencies

PROPOSED RULE

15 CSR 60-10.020 Report to Attorney General by Law Enforcement Agencies

PURPOSE: Section 590.650, RSMo, requires law enforcement agencies to compile and report certain information to the Attorney General. This rule provides instructions regarding the information to be reported pursuant to section 590.560, RSMo.

(1) On or before March 1 of each year, law enforcement agencies shall compile the information collected pursuant to section 590.650.2, RSMo, and enumerated in this rule, and such other information as the Attorney General may require, into a report to the Attorney General. The information contained in the report shall be for the preceding calendar year.

(2) The first reporting period during which law enforcement agencies are required to compile and report the information required by section 590.650.2, RSMo, and enumerated in this rule, and such other information as the Attorney General may require, shall begin on August 28, 2000, and end on December 31, 2000.

(3) Beginning on January 1, 2001, and thereafter, the reporting period during which law enforcement agencies are required to compile and report the information required by section 590.650.2, RSMo, and enumerated in this rule, and such other information as the Attorney General may require, shall begin on January 1 and end on December 31 of each year.

(4) Each law enforcement agency shall compile the following information in the manner described in subsection (5) of this rule for submission to the Attorney General. The information shall pertain to the total number of times peace officers employed by the law enforcement agency stopped drivers of motor vehicles for violations of any motor vehicle statutes or ordinances, and shall include:

(A) The age, gender and race or minority group of each individual stopped;

1. For the total number of stops made during the reporting period, indicate the races or minority groups of the drivers using one of the following categories: White; Black/African-American; Hispanic/Latino; American Indian/Alaska Native; Asian; or Other/Unknown.

2. For the total number of stops made during the reporting period, indicate the number of male drivers stopped and female drivers stopped.

3. For the total number of stops made during the reporting period, indicate the age groups of the drivers stopped using one of the following categories: under 18 years; 18-29 years; 30-39 years; or 40 years or older.

(B) The total number of traffic violations alleged to have been committed that led to the stops;

1. For the total number of stops made during the reporting period, indicate the number of stops resulting from moving violations, equipment violations or license violations.

2. For moving violations, indicate the nature of the violation: speed; lane violation; following too close; commercial vehicle enforcement (CVE); fail to signal; or other. A stop may include more than one alleged violation

(C) The total number of searches conducted as a result of the stops;

1. For the total number of stops made during the reporting period, indicate the number of searches made, including the number of property searches and driver searches.

(D) The total number of searches conducted, including the number of consent searches, the probable cause for the searches, the number of driver searches, the number of property searches, and the durations of all searches;

1. For the total number of searches made during the reporting period, indicate whether the probable cause or authority for the searches included the following: consent; odor of illegal drugs or alcohol; drug dog alert; plain view contraband; inventory search; incident to arrest; reasonable suspicion (weapon); or other. For any search, one of more of these categories may apply.

2. For the total number of searches made during the reporting period, indicate the lengths of the searches using the following time periods: 0 to 15 minutes; 16 to 30 minutes; 31 minutes or more. The duration of search means the time needed to conduct any and all searches.

(E) The types of any contraband discovered during the searches;

1. For the total number of searches made during the reporting period, indicate the number of times contraband was discovered and, when contraband was discovered, indicate the types of contraband discovered using the following categories: illegal drugs or paraphernalia; currency; stolen property; weapons; or other.

(F) The total number of warnings, citations, and arrests resulting from the stops;

1. For the total number of stops made during the reporting period, indicate the number of stops resulting in the following: warnings; citations; and arrests.

(G) The total number of warnings and citations issued, and the violations charged or warnings given;

(H) The total number of arrests resulting from either the stops or the searches;

1. For the total number of stops made during the reporting period, indicate the number of arrests resulting from either the vehicle stops or any searches conducted as a result of the stops.

(I) The number of arrests made and the crimes alleged;

1. For the total number of arrests resulting from either the stops or any searches conducted as a result of the stops during the reporting period, indicate the types of crimes alleged using the following categories: outstanding warrant; drug violations; resisting arrest; offense against person; property offense; driving while intoxicated/blood alcohol content; or other. An arrest may include more than one alleged crime.

(J) The location of the stop;

1. For the total number of stops made during the reporting period, indicate the number of stops made at the following locations: interstate highway; interstate highway; U.S. highway; state highway; county road; city street; or other. For purposes of reporting this information, "location" means the location where the officer observed the alleged violation and signaled the driver to stop, not the location where the driver physically stopped the vehicle.

(K) Total number of vehicle stops made by that agency.

1. This number represents the total number of vehicles stopped by officers in the particular law enforcement agency for alleged motor vehicle violations, whether moving violations, equipment violations, or license violations. This total does not include motor vehicle stops made for reasons other than alleged motor vehicle violations.

(5) The information described in subdivision (4) of this rule shall be compiled and broken down according to the races or minority groups of the drivers stopped.

(6) The law enforcement agency head, director, or administrator shall sign each agency report and shall indicate the agency name, agency ORI number, and the date the report was submitted to the Attorney General's Office.

(7) The report shall be submitted on forms furnished by or approved by the Attorney General.

AUTHORITY: section 590.650, RSMo (2000). Emergency rule filed August 21, 2000, effective August 31, 2000, expires February 23, 2001. Proposed rule filed August 21, 2000.

PUBLIC ENTITY COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of the Attorney General, P.O. Box 899, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 15 - ELECTED OFFICIALS
Division 60 - Attorney General
Chapter 10 - Reporting of Motor Vehicle Stops by Peace Officers
and Law Enforcement Agencies

PROPOSED RULE

15 CSR 60-10.030 Reporting Forms

PURPOSE: This rule provides forms used for the compilation and reporting of information on motor vehicle stops by law enforcement agencies.

(1) Law enforcement agencies are required, pursuant to section 590.650, RSMo, and 15 CSR 60-1.020 to compile information about motor vehicle stops for submission to the Attorney General.

(2) No report from a law enforcement agency shall be deemed to be in compliance with section 590.650, RSMo, unless the report contains a compilation of the information enumerated in 15 CSR 60-10.020 and such other information as the Attorney General may require.

(3) No report from a law enforcement agency shall be deemed to be in compliance with section 590.650, RSMo, unless the report is signed by the law enforcement agency head, director, or administrator.

(4) The compiled information shall be broken down by races or minority groups of the drivers stopped.

(5) The report to the Attorney General shall be made on a form furnished by or approved by the Attorney General. The attached reporting forms are hereby incorporated into this rule by reference. The reporting form may, at the discretion of the Attorney General, be made available on the Internet.

(6) The Attorney General may create informal guidelines for compliance with the reporting form. The guidelines may, at the discretion of the Attorney General, be made available on the Internet.

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PROPOSED RULE

15 CSR 60-10.010 Definitions

PURPOSE: This rule advises the public of the definitions adopted for certain terms which are used in section 590.650, RSMo, and the rules promulgated thereunder.

(1) The term "law enforcement agency," as used in section 590.650, RSMo, shall mean the state highway patrol, any state, county, or municipal department or office that employs peace officers who stop drivers of motor vehicles for violations of any motor vehicle statute or ordinance.

(2) The term "peace officer," as used in section 590.650, RSMo, shall mean any member of the state highway patrol, any state, county, or municipal law enforcement officer possessing the duty and power of arrest for violation of any criminal laws of the state or for violation of ordinances of counties or municipalities of the state who serve full time, with pay.

(3) The term "search," as used in section 590.650, RSMo, shall mean any action of a peace officer, arising out of a motor vehicle traffic stop, that infringes upon an individual's reasonable expectation of privacy.

(4) The term "Terry stop" shall mean a stop of an individual where specific and articulable facts, together with all rational inferences, suggest that the driver is involved in criminal activity. A Terry stop is an investigatory stop that is not an arrest and can be justified by less than the probable cause necessary for an arrest.

(4) The terms "Terry frisk" or "Terry search" shall mean a limited pat-down or frisk of the driver or his or her automobile for weapons which occurs when there are specific and articulable facts which, taken together with rational inferences from those facts, would lead a peace officer reasonably to believe the driver is armed and presently dangerous to the officer or others.

AUTHORITY: section 590.650, RSMo (2000). Emergency rule filed August 21, 2000, effective August 31, 2000, expires February 23, 2000. Proposed rule filed August 21, 2000.

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